

2/3 (5)
041**Water Supply District of Acton**

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Town of Acton
Zoning Board of Appeals
472 Main Street
Acton, Massachusetts 01720

February 3, 2014

RE: Comments on Hearing #13-06 Comprehensive Permit for 6 Post Office Square

Dear Zoning Board of Appeals:

The Water Supply District of Acton has provided preliminary comments and begun working with the project proponent on this application. Prior to your hearing on February 3rd, we wanted to provide a status update and additional comments.

As an abutter to this project, we would like to raise the issue of trespassing on Water District land. We request that the project be reviewed for providing adequate open space for its residents on the project parcel, thereby reducing the potential of trespass on our property. This is of particular concern with the walking of pets.

The project proponent has addressed some of our concerns with regards to the stormwater management system. We thank them for looking at additional opportunities to infiltrate roof runoff in place.

Due to the proximity of this site to our Conant 2 supply wells, we request that any blasting required on the site is done with perchlorate free dynamite and blasting aids. Notice should be provided directly to the Water District if and when blasting is required.

The applicant has submitted a Water Impact Report as requested in our preliminary comments. At this time, the District finds the report incomplete. We will continue to work with the applicant to fully satisfy this requirement of connecting to our water system. Additionally, the water infrastructure continues to be reviewed for size and configuration.

Finally, we have yet to see a full septic system plan. The applicant agreed to send a copy for our review and that has not happened yet. The Acton Board of Health indicated they do not have a copy either. Given the proximity of the proposed leach field to our supply wells, we request that groundwater monitoring be conducted in association with this system. If necessary, the Water

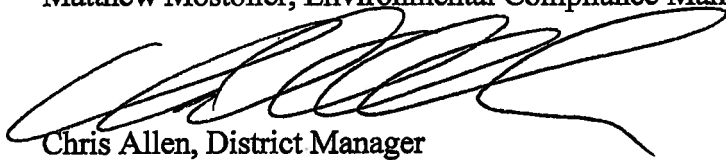
District would be willing to work with the applicant to locate monitoring points on our property to facilitate monitoring the effluent leaving the subject property.

Thank you for your consideration of these concerns,

Sincerely;

A handwritten signature in black ink, appearing to read 'Matthew Mostoller', with a long horizontal flourish extending to the right.

Matthew Mostoller, Environmental Compliance Manager

A handwritten signature in black ink, appearing to read 'Chris Allen', with a long horizontal flourish extending to the right.

Chris Allen, District Manager

Cc: Acton Board of Health
Acton Board of Selectmen
James H. MacDowell



Planning Department

TOWN OF ACTON
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MEMORANDUM

To: Planning Board **Date:** January 31, 2014
From: Roland Bartl, AICP, Planning Director
Subject: Hearing #13-06, Comprehensive Permit - 6 Post Office Square

Location:	6 Post Office Square
Owner:	6 Post Office Square Realty Trust
Applicant:	Philip S. Singleton
Engineer:	Eastern Land Survey Associates, Inc.
Proposed Lots:	12
Proposed Units:	12 new dwelling units (3 Affordable Units)
Proposed Streets:	Post Office Crossing
Land area:	3.59 acres
Common Land:	Septic system parcel A
Town Atlas Map/Parcel:	E-4 Parcel 59-1
Zoning:	Light Industrial 1 (LI-1)

Please find the Planning Department's comments on the application for Post Office Crossing Comprehensive Permit attached, beginning with the project evaluation summary table from the Town's Comprehensive Permit Policy (the project is evaluated under the "Small-Scale Project" column) including reviewer comments as footnotes. This is followed by additional review comments specific in regular memo format.

to the project

PROJECT EVALUATION SUMMARY – POST OFFICE CROSSING

EVALUATION CRITERIA ¹	Small-Scale Project		Mixed-Use Project		Large-Scale Project	
	Standard Applies	Y/N	Standard Applies	Y/N	Standard Applies	Y/N
I. DEVELOPMENT PREFERENCES						
Types of Housing					X	
<i>Includes a mix of unit styles and sizes</i>					X	
<i>Includes no more than 15% 3-BR units</i>					X	
Location						
	X	N (1)	X		X	
<i>Site is in or within ½ mile of a village center or Kelley's Corner</i>	X	N	X		X	
<i>Site is in another Preferred Location</i>	X	N	X		X	
Mixed-Use Development						
<i>Includes compatible nonresidential uses</i>			X			
<i>Some or all units are upper-story</i>			X			
Density and Scale						
<i>For site in a Village Center or Kelley's Corner, FAR does not exceed .80</i>	X		X		X	
<i>For site outside the Village Centers and Kelley's Corner, in other locations or for large-scale projects, FAR does not exceed .25</i>	X	Y	X		X	
<i>Height conforms to zoning</i>	X	Y(2)	X		X	
<i>Development comprised of approximately 12 units or less</i>	X	Y	X			

¹ Reviewers should record their evaluation by indicating "Y" (yes) or "N" (no) for each criterion that applies to the project, based on the category that most closely fits the type of project under review.

Town of Acton Comprehensive Permit Policy

EVALUATION CRITERIA ¹	Small-Scale Project		Mixed-Use Project		Large-Scale Project	
	Standard Applies	Y/N	Standard Applies	Y/N	Standard Applies	Y/N
Building & Landscape Design Considerations	X		X		X	
Buildings & Site						
Building designs similar to highly-rated residences in VPS	X	Y(3)	X		X	
Buildings oriented to the street or around courtyard	X	Y	X		X	
Side and/or rear parking	X	Y(4)	X		X	
Walkability: sidewalks, internal pathways	X	Y	X		X	
Connectivity: linked to surrounding neighborhoods or commercial areas	X	N(5)	X		X	
No adverse impact on historic/architectural significance (may be N/A)	X	N(6)	X		X	
Open Space & Natural Resources						
Open space at least 50% of site					X	
Not more than 50% of open space is wetlands	X	Y(7)			X	
Open space is directly accessible to residents of the development	X	N/A			X	
Landscaping emphasizes low-water-use plantings	X	N/A (8)	X		X	
Outdoor irrigation system is designed to conserve water			X		X	
Site Plan Standards						
Substantially conforms to ZBL Section 10.4, Site Plan Standards	X	N/A (9)	X		X	
Public Benefits						
Provides public benefits in addition to affordable housing			X		X	
Additional public benefits include:						
Pedestrian amenities			X		X	
Park and recreation amenities					X	
Contribution to a local capital improvements project appropriate to the					X	

Town of Acton Comprehensive Permit Policy

EVALUATION CRITERIA ¹	Small-Scale Project		Mixed-Use Project		Large-Scale Project	
	Standard Applies	Y/N	Standard Applies	Y/N	Standard Applies	Y/N
<i>scale of proposed development</i>						
<i>Contribution to Town's affordable housing fund</i>					X	
II. AFFORDABILITY PREFERENCES						
Percentage of Affordable Units						
<i>Development provides more than 25% minimum affordable units</i>					X	
<i>Additional affordable units are for LMI households</i>					X	
Income Targets						
<i>One or more units priced for households at/below 70% AMI</i>	X	Y (10)	X		X	
<i>Includes any units priced for households at 50% AMI</i>			X		X	
<i>Includes any units priced for households at 31-50% AMI</i>					X	
<i>Includes any units priced for households at 81-110% AMI</i>	X	N/A	X		X	
Term of Affordability						
<i>Use restriction will be perpetual</i>	X	N/A (11)	X		X	
III. AFFIRMATIVE MARKETING & LOCAL PREFERENCE						
Local Preference Units						
<i>Offers 70% local preference units</i>	X	N/A (10)	X		X	
Affirmative Marketing Experience						
<i>Team includes person/organization with prior affordable housing lottery experience</i>	X	Y	X		X	

Town of Acton Comprehensive Permit Policy

EVALUATION CRITERIA ¹	Small-Scale Project		Mixed-Use Project		Large-Scale Project	
	Standard Applies	Y/N	Standard Applies	Y/N	Standard Applies	Y/N

IV. LARGE-SCALE PROJECT PUBLIC BENEFIT CRITERIA

Project provides any of the following benefits:

<i>Transportation management</i>						
<i>Traffic mitigation</i>					X	
<i>Significant contribution to local capital improvements fund</i>					X	
<i>Significant contribution to Town's affordable housing fund</i>					X	
<i>Provision of additional affordable units in off-site locations</i>					X	
<i>Donation of developable land to the Town for affordable housing, community facilities, other public purposes</i>					X	

REVIEWER'S COMMENTS

(1) The Planning Department Staff finds that the location does not fit easily into the 40B policy guidelines for location. The proposed 12-unit development is located in an industrial park and will be isolated from other residential neighborhoods. There are some destinations within walking distance such as a daycare center, post office, the library and town office buildings. The location is also about .8 miles from the Donelan's Supermarket, but there are currently no safe pedestrian connections on Brook Street.

This comment was made in our preliminary review in 2012. It was our hope that the applicant might investigate mitigating measures, for instance the cost and feasibility of a sidewalk along Brook Street, and a possible developer contribution to it (the Town has sidewalk construction funds from other sources that could also help with that). It appears that so far no attempt was made to pursue this further.

Town of Acton Comprehensive Permit Policy

- (2) The plans do not show actual height dimensions for the dwelling units, but home designs look to be normal two-story residential dwellings- which would meet the requirements of the bylaw.
- (3) VPS stands for Visual Preference Survey – see Acton Comprehensive Permit Policy, Appendix C at <http://ma-acton.civicplus.com/DocumentView.asp?DID=114>. Planning Staff recommends the applicant consider a more durable exterior finish rather than wood. The cost of long term maintenance is of concern especially for affordable unit owners.
- (4) All but lot 9 and lot 11 show side or rear parking. Lot 9 and lot 11 show parking in the front of the house.
- (5) See (1) above. Providing a safe pedestrian connection on Brook Street to the Donelan's shopping center would bring the project more in line with the Comprehensive Permit Policy. This sidewalk would be an expensive piece to construct, but there may be an opportunity to work with the developer to help fund this connection.
- (6) The Planning Department is aware of the proximity to the Issac Davis Trail, but sees no negative impact from this development.
- (7) The plan does not show any designated open space. "Parcel A" shows the location of the septic system for all 12 units. This lot could be used for a community recreation or child play space.
- (8) There is appears to be no landscape plan in the application package.
- (9) Given the nature of the project, the more appropriate comparison document is the Acton Subdivision Rules and Regulations.
- (10) It appears the application for project eligibility to the Board of Selectmen and DHCD in 2012 suggested one or affordable units more units at or below 70% of median. The applicant now before the Board appears to be silent on this.
- (11) It is not evident in the application that the proponent seeks to secure affordability in perpetuity. This should be a requirement of the comprehensive permit, if granted.

Additional Comments

1. We have asked Town Counsel to review the application for the jurisdictional prerequisites required to file a comprehensive permit application:
 - a. Applicant must have site control.
 - b. Applicant must be public agency, non-profit organization or limited dividend organization.
 - c. Project must be fundable by a Subsidizing Agency under a low or moderate income housing subsidy program.

I will forward Town Counsel's reply as soon as received. My own quick review suggests some doubt whether the requirements are in fact met as currently presented in the application:

- a. The amended and restated P & S has a conditional extension to March 31, 2014 (par. 7.d.), but there is no evidence one way or the other to show if the applicant is in compliance with the conditions.
 - b. The provided certificate of organization leaves it unclear as whether or not the applicant is a limited dividend organization. Moreover, the application – consistent with the P & S documents leaves the impression that the applicant may be one private individual, Mr. Singleton.
 - c. The DHCD project eligibility determination may or may not indicate fundability by a subsidizing agency; it may be implied, but the letter does not expressly say so.
2. The proposed condominium fee (presumably monthly fees) in the unit composition schedule lists \$200 for the affordable units and \$70 for the market rate units. I want to believe that this is a typographical error. It is my understanding that the affordable units' condo fees cannot exceed the market rate units' fees. Note that the DHCD letter of project eligibility determination lists the fees (shown as association fees) uniformly as \$50.
3. There are two development pro-formas in the application. The first is partially left blank and has math errors. I assume that it was included accidentally, and that the applicant meant to include only the 2nd completed pro-forma.
4. The overall FAR appears to be more in the range of 0.18, not the 0.6 that is listed in the "zoning characteristics" sheet of the application.
5. The "zoning characteristics" table lists other deviations from the zoning dimensional requirements, none of which seem outright objectionable in the context. The most significant deviation from zoning requirements, however, is not listed: Residential uses are not allowed in the LI-1 zoning district. See assessment of location suitability in Project Evaluation Summary above.
6. The drainage system for the rear portion of the proposed street, located in a Zone 4 of the Groundwater Protection District (GPD), is shown to discharge into a Zone 2 of the GPD. Zone 2 has more stringent performance standards for surface runoff discharge. It is my understanding that the Engineering Department has reviewed the plans and found that the Zone 2 standards have been generally met, although there appear to be one or two outstanding item of information to make this a definitive determination. It would be helpful to show the GPD Zone line boundaries on the plan. No waivers should be granted from the qualitative and quantitative performance standards for surface drainage discharge into a GPD Zone 2 location.

7. Post Office Square is a private street. The front portion of the proposed street is shown to discharge into the existing Post Office Square street drainage system. The notion that the proposed development has rights to do so rings true from my vague memories of the time when this subdivision was approved. Verification is better.
8. I cannot find in the application, whether or not the applicant imagines the proposed new street to become a public way; I assume not. Where Post Office Square is a private way, the Town is not likely to accept as a public way a street that is disjointed from the rest of the Town's public street network.
9. I recall a discussion about a formal crosswalk with ramps on both sides from the proposed end of the sidewalk on the development side of Post Office Square to the existing sidewalk on the other side. I can't find this feature on the plan.
10. The one roadway waiver (i.e. waiver from the Subdivision Rules and Regulations) suggested in the application from a required 800 feet to 60 feet centerline radius is exaggerated. Rather, it should read 80 feet to 60 feet. Given the proposed small development size and expected low volume traffic conditions, this waiver should not present a problem. Looking at the plan just at a glance, I can see several other instances where the proposed street does not comply with the Subdivision Rules. None are listed as waiver requests.
11. There was in 2012 some significant or even celebrated agreement or consensus with the Design Review Board about site layout and design. It is not clear whether or not the plans now submitted to the Board of Appeals reflect this consensus.
12. Comments from several other parties indicate missing information and lack of responsiveness to the filing requirements of Acton's Comprehensive Permit Regulations. Without looking in detail I note myself missing (1) a landscape plan, (2) a detailed formal list of requested waivers from the zoning bylaw and subdivision rules, (3) a recordable plan sheet, (4) zoning district boundaries, (5) lack of dimensions on the plan, and (6) what appears to be insufficient documentation to confirm compliance with jurisdictional requirement. Consequently, I forgo the time and effort required to compare section by section the application with the permit rules. The applicant should check through the permit rules and endeavor to provide the supplements that make up complete application.